

AMENDED IN ASSEMBLY APRIL 28, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 573

Introduced by Assembly Member Portantino

(Coauthors: Assembly Members *Buchanan*, Conway, and Fletcher)

February 25, 2009

An act to add Section 8924.5 to the Government Code, relating to the Legislature, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 573, as amended, Portantino. California Council on Science and Technology: legislative fellows.

Existing law, commonly known as the Code of Ethics, prohibits a Member of the Legislature or an employee of either house of the Legislature from receiving or agreeing to receive, directly or indirectly, any compensation, reward, or gift from any source except the State of California for any service, advice, assistance, or other matter related to the legislative process, except for specified circumstances.

This bill would clarify that the services of a ~~legislative fellow~~ *furnished California Science and Technology Policy Fellow provided* by the California Council on Science and Technology and duly authorized by the Senate Committee on Rules, the Assembly Committee on Rules, or the Joint Committee on Rules ~~is~~ *are* not compensation, a reward, or a gift to a Member of the Legislature for purposes of the so-called Code of Ethics. The bill would also provide that such a ~~legislative fellow~~ is not an employee of either house of the Legislature for purposes of the Code of Ethics ~~and is not otherwise subject to the provisions of the Code of Ethics~~. *In addition, the bill would require*

that a fellow be selected according to criteria, and pursuant to a process, approved by the Senate Committee on Rules, the Assembly Committee on Rules, or the Joint Committee on Rules. The bill would further require the council to execute an agreement for a fellow to be bound to abide by standards of conduct, economic interest disclosure requisites, and other requirements specified by the Senate Committee on Rules, the Assembly Committee on Rules, or the Joint Committee on Rules.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) In 1988, the Legislature adopted Assembly Concurrent
4 Resolution No. 162 (Resolution Chapter 148 of the Statutes of
5 1988) in which the Legislature requested the President of the
6 University of California, in collaboration with the presidents of
7 the University of Southern California, the California Institute of
8 Technology, and Stanford University and the Chancellor of the
9 California State University, to establish, within one year, the
10 California Council on Science and Technology for the purpose of
11 reporting to the presidents and the chancellor and responding
12 appropriately to the Governor, the Legislature, and other relevant
13 entities on public policy issues significantly related to science and
14 technology.

15 (b) In response, the council was organized as a nonprofit
16 corporation pursuant to Section 501(c)(3) of the Internal Revenue
17 Code and has operated for 20 years providing expert, ~~nonpartisan~~
18 *unbiased* advice to various agencies of state government in
19 connection with science and technology policy issues.

20 (c) The council proposes to fund and administer, at no cost to
21 the state, ~~a Science and Technology Fellows Program~~ *the*
22 *California Science and Technology Policy Fellowships* in which,
23 commencing in 2009, the council would place Ph.D.-level, or
24 equivalent, scientists, engineers, and other experts in legislative
25 offices for the purpose of ~~furnishing~~ *providing* Members,

1 committees, and legislative staff with ~~nonpartisan~~ *unbiased* advice
2 in connection with science and technology-related legislation.

3 (d) ~~The Science and Technology Fellows Program~~ *California*
4 *Science and Technology Policy Fellowships* would be modeled
5 after, *and adapted for California from*, the 35-year-old Science
6 and Technology Policy Fellowships Program administered for the
7 benefit of the United States Congress by the American Association
8 for the Advancement of Science, an international nonprofit
9 organization dedicated to advancing science around the world for
10 societal benefit.

11 (e) ~~The council's Science and Technology Fellows Program~~
12 *California Science and Technology Policy Fellowships* would be
13 the first *professional development* program in the nation that places
14 Ph.D.-level, or equivalent, science and technology experts in state
15 legislative offices through a formal fellowship program.

16 (f) *According to findings of the National Academy of Sciences*
17 *in its 2008 publication "State Science and Technology Policy*
18 *Advice," the United States is entering a new era of scientific and*
19 *technological development in which state governments will assume*
20 *a greater role in establishing science and technology policy than*
21 *in the past.*

22 (f)

23 (g) Given that California's legislators must address multifaceted
24 policy issues with increasingly complex and interrelated
25 components based on science and technology, including, but not
26 limited to, biotechnology, nanotechnology, energy, water,
27 transportation, and health care, it is vitally important that the
28 Members receive the benefit of ~~nonpartisan~~ *unbiased* advice from
29 science and technology experts so that the Legislature may make
30 informed decisions on those issues.

31 (g)

32 (h) It is the *narrow* intent of the Legislature in enacting this act
33 to clarify that a Member of the Legislature, in receiving the benefit
34 of the services of a ~~Science and Technology Fellow~~ *furnished*
35 *California Science and Technology Policy Fellow* provided by the
36 council *under this professional development program*, is not
37 receiving compensation, a reward, or a gift for purposes of the
38 code of ethics contained in Article 2 (commencing with Section
39 8920) of Chapter 1 of Part 1 of Division 2 of Title 2 of the
40 Government Code; and it is the further *narrow* intent of the

1 Legislature to provide that a ~~Science and Technology Fellow~~
2 ~~furnished California Science and Technology Policy Fellow~~
3 ~~provided~~ by the council is not an employee of either house of the
4 Legislature for purposes of that code of ethics and is not otherwise
5 subject to the provisions of that code of ethics. *but will be subject*
6 *to standards of conduct specified by the Legislature.*

7 SEC. 2. Section 8924.5 is added to the Government Code, to
8 read:

9 ~~8924.5. (a) The services of a legislative fellow furnished by~~
10 ~~the California Council on Science and Technology and duly~~
11 ~~authorized by the Senate Committee on Rules, the Assembly~~
12 ~~Committee on Rules, or the Joint Committee on Rules is not~~
13 ~~compensation, a reward, or a gift to a Member of the Legislature~~
14 ~~for purposes of this article.~~

15 ~~(b) A legislative fellow furnished by the California Council on~~
16 ~~Science and Technology and duly authorized by the Senate~~
17 ~~Committee on Rules, the Assembly Committee on Rules, or the~~
18 ~~Joint Committee on Rules is not an employee of either house of~~
19 ~~the Legislature for purposes of this article and is not otherwise~~
20 ~~subject to the provisions of this article.~~

21 *8924.5. (a) The Legislature finds and declares that the*
22 *California Council on Science and Technology was organized as*
23 *a nonprofit corporation pursuant to Section 501(c)(3) of the*
24 *Internal Revenue Code in response to Assembly Concurrent*
25 *Resolution No. 162 (Resolution Chapter 148 of the Statutes of*
26 *1988). The council was uniquely established at the request of the*
27 *Legislature for the specific purpose of offering expert advice to*
28 *state government on public policy issues significantly related to*
29 *science and technology. The establishment of the California*
30 *Science and Technology Policy Fellowships as a professional*
31 *development program is consistent with the Legislature's intent*
32 *in requesting the creation of the council and is expressly designed*
33 *to fulfill the council's mission of assisting state policymakers as*
34 *they face increasingly complex decisions related to science and*
35 *technology challenges confronting the state in the 21st century.*

36 *(b) The services of a California Science and Technology Policy*
37 *Fellow provided by the California Council on Science and*
38 *Technology and duly authorized by the Senate Committee on Rules,*
39 *the Assembly Committee on Rules, or the Joint Committee on Rules*
40 *are not compensation, a reward, or a gift to a Member of the*

1 *Legislature for purposes of paragraph (4) of subdivision (b) of*
2 *Section 8920.*

3 *(c) A California Science and Technology Policy Fellow provided*
4 *by the California Council on Science and Technology and duly*
5 *authorized by the Senate Committee on Rules, the Assembly*
6 *Committee on Rules, or the Joint Committee on Rules is not an*
7 *employee of either house of the Legislature for purposes of this*
8 *article.*

9 *(d) For purposes of this section, a California Science and*
10 *Technology Policy Fellow is “duly authorized by the Senate*
11 *Committee on Rules, the Assembly Committee on Rules, or the*
12 *Joint Committee on Rules” only if both of the following*
13 *requirements are satisfied:*

14 *(1) (1) The California Science and Technology Policy Fellow*
15 *has been selected according to criteria, and pursuant to a process,*
16 *approved by the Senate Committee on Rules, the Assembly*
17 *Committee on Rules, or the Joint Committee on Rules.*

18 *(2) The California Council on Science and Technology has*
19 *executed an agreement with the Senate Committee on Rules, the*
20 *Assembly Committee on Rules, or the Joint Committee on Rules*
21 *whereby the California Science and Technology Policy Fellow is*
22 *bound to abide by standards of conduct, economic interest*
23 *disclosure requisites, and other requirements specified by the*
24 *Senate Committee on Rules, the Assembly Committee on Rules, or*
25 *the Joint Committee on Rules.*

26 SEC. 3. This act is an urgency statute necessary for the
27 immediate preservation of the public peace, health, or safety within
28 the meaning of Article IV of the Constitution and shall go into
29 immediate effect. The facts constituting the necessity are:

30 In order for the Legislature to begin receiving the benefit of the
31 expert advice of ~~legislative fellows~~ *California Science*
32 *and Technology Policy Fellows* provided by the California Council
33 on Science and Technology as soon as possible so that the
34 Legislature may make informed decisions on the various urgent
35 science and technology issues confronting the state, it is necessary
36 that this act take effect immediately.